

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re the Application of: Stamler, Loscalzo and Folts

Application No: 10/646,713

Group Art Unit: 1615

Filed: August 25, 2003

Examiner: I. Ghali

For: Use of Nitric Oxide Adducts

Attorney Docket No: 102258.121 US3

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. certify that they are co-owners of the entire right, title and interest in Application No.10/646,713, filed August 25, 2003, entitled "Use of Nitric Oxide Adducts" (hereafter the "above-identified application") by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0452 and by virtue of an assignment recorded in the U.S. Patent and Trademark Office on February 3, 1999 at Reel 9738, Frame 0679.

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. certify that they are co-owners of the entire right, title and interest in Application No. 09/621,610, filed July 21, 2000, entitled "Localized Use of Nitric Oxide Adducts to Prevent Internal Tissue Damage" issued as U.S. Patent No. 6,471,978 on July 21, 2000, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0452 and by virtue of an assignment recorded in the U. S. Patent and Trademark Office on February 3, 1999 at Reel 9738, Frame 0679.

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. certify that they are co-owners of the entire right, title and interest in Application No. 08/460,465, filed June 2, 1995, entitled "Localized Use of Nitric Oxide Adducts to Prevent Internal Tissue Damage," issued as

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U. S. Patent No. 6,087,479 on July 11, 2000, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0452 and by virtue of an assignment recorded in the U. S. Patent and Trademark Office on February 3, 1999 at Reel 9738, Frame 0679.

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. certify that they are co-owners of the entire right, title and interest in Application No. 09/433,550, filed November 4, 1999, entitled "Localized Use of Nitric Oxide Adducts to Prevent Internal Tissue Damage," issued as U. S. Patent No. 6,174,539 on January 16, 2001, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0452 and by virtue of an assignment recorded in the U. S. Patent and Trademark Office on February 3, 1999 at Reel 9738, Frame 0679.

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. also certify that they are co-owners of the entire right, title and interest in Application No. 08/438,418, filed May 10, 1995 entitled "Localized Use of Nitric Oxide Adducts to Prevent Internal Tissue Damage," issued as U.S. Patent No. 6,255,277, on July 3, 2001, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0265 and by virtue of an assignment recorded in the U. S. Patent and Trademark Office on February 4, 1999, at Reel 9738, Frame 0660.

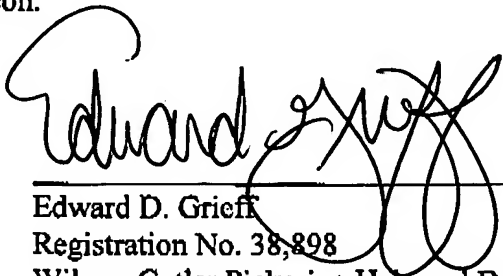
NitroMed, Inc. and The Brigham and Women's Hospital, Inc. further certify that they are co-owners of the entire right, title and interest in Application No. 09/661,190, filed September 13, 2000, entitled "Localized Use of Nitric Oxide Adducts to Prevent Internal Tissue Damage," issued as U.S. Patent No. 6,352,709, on March 5, 2002, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on September 29, 1994, at Reel 7150, Frame 0050, by virtue of an assignment recorded in the U. S. Patent and Trademark Office on June 24, 1999, at Reel 010047, Frame 0452 and by virtue of an assignment recorded in the U. S. Patent and Trademark Office on February 3, 1999 at Reel 9738, Frame 0679.

Pursuant to 37 C. F. R. §1.321, NitroMed, Inc. and The Brigham and Women's Hospital, Inc. hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,087,479, 6,174,539, 6,255,277, 6,352,709 and 6,471,978, and hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,087,479, 6,174,539, 6,255,277, 6,352,709 and 6,471,978, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

NitroMed, Inc. and The Brigham and Women's Hospital, Inc. do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,087,479, 6,174,539, 6,255,277, 6,352,709 and 6,471,978, in the event that U.S. Patent Nos. 6,087,479, 6,174,539, 6,255,277, 6,352,709 and 6,471,978 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. §1.32 (a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements so made are punishable by fine imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

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